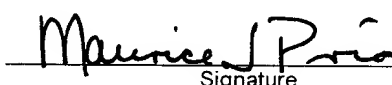


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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>418268800US1</b>	
	Application Number <b>09/721,141-Conf. #7049</b>	Filed <b>November 22, 2000</b>	
	First Named Inventor <b>Neelamadhaba Mahapatro</b>		
	Art Unit <b>3623</b>	Examiner <b>D. S. M. Meinecke</b>	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div><div><input type="checkbox"/> applicant /inventor.</div><div><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</div><div><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,273</u></div><div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</div></div> <div><div> Signature</div><div>Maurice J. Pirio Typed or printed name</div><div>(206) 359-8000 Telephone number</div><div><u>4-19-06</u> Date</div></div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<div><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</div>			



Express Mail No. EV784674034US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Neelamadhaba Mahapatro

Application No.: 09/721,141

Confirmation No.: 7049

Filed: November 22, 2000

Art Unit: 3623

For: SYSTEM AND METHOD FOR  
GENERATING A SCHEDULE BASED ON  
RESOURCE ASSIGNMENTS

Examiner: S.M. Diaz Meinecke

**ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits along with the Notice of Appeal the following arguments for consideration by the conference panel. Applicant respectfully submits that the arguments point out clear errors in the rejection of the claims. Applicant respectfully requests reconsideration of this application in view of these arguments.

## **ARGUMENTS**

Applicant's claims are directed to a technique for generating a schedule for a project. According to applicant's technique, a project is divided into tasks and each task has required resources that are needed to perform the task. For example, a construction project to build a house may have the tasks of laying the foundation, framing the house, installing the roof, landscaping the yard, and so on. The task of laying the foundation may require resources such as three laborers, two cement trucks, and so on. The task of framing the house may require resources such as five framers, a crane to lift wood, a forklift to move wood, and so on.

Traditionally, project scheduling tools schedule a task to start at the earliest time that all the needed resources will be available and other constraints will be satisfied (e.g., completion of a prerequisite task). For example, a project scheduling tool would schedule the framing task to start when the five framers, the crane, and forklift were all available and when the laying foundation task was complete. Such task-based scheduling, however, may result in less than optimal scheduling because the task may not require all of the resources at the outset. For example, if the crane is needed for the first two days of the task and the forklift is needed for the following three days, then the task is scheduled to start when the forklift becomes available even though the crane is available two days earlier. The forklift, however, would be idle for the first two days. The task could more advantageously be scheduled to start two days earlier since the forklift would still be available when needed.

Applicant's technique overcomes the problem of these traditional scheduling tools by automatically dividing tasks into assignments and separately scheduling each assignment, rather than scheduling tasks themselves as a unit. An assignment is a portion of a task that can be completed using a single resource. For example, applicant's technique would divide the framing task into one assignment that can be completed using the crane and another assignment that can be completed using the forklift. Applicant's

technique then schedules each assignment separately. For example, the crane assignment might be scheduled to start on day 1, and the forklift assignment might be scheduled to start on day 3. Traditional project scheduling tools would, in contrast, schedule the framing task to start on day 3, since that is when all the resources needed for the task are available.

The Examiner has rejected claims 50-71 under 35 U.S.C. § 102(e) as being anticipated by Brown.

The Examiner relies on Brown as teaching "scheduling the assignment to be performed at the determined time such that the assignments of a task are scheduled separately (col. 4, lines 24-48)." (Office Action, Dec. 20 2006, p. 4.) The claims recite that a task is divided into assignments that are "a portion of a task that can be completed by a single resource." The relied-upon section of Brown is unrelated to scheduling of assignments or portions of a task. Rather, the relied-upon section describes only the scheduling of activities, which the Examiner believes corresponds to applicant's tasks. The Examiner states that "Brown's activities are equivalent to the claimed tasks." (Id. at p. 3) Indeed, Brown uses the words activity and task interchangeably.

The relied-upon section of Brown describes the scheduling of activities based on resource demand (e.g., number of resources and resource types needed by an activity) "to help establish priorities among activities [tasks] for scheduling purposes." (Id.) Brown further states that "as the number of different resource types required by an activity increases, the greater will be the need to schedule that activity earlier." (Id., emphasis added.)

Thus, although Brown factors in the types of resources of an activity into the scheduling of activities, Brown specifically teaches that activities, rather than assignments or portions of activities, are scheduled. Brown makes this requirement of activity-based scheduling clear in the following:

The methodology for implementation for any priority rule based heuristic scheduling method can be summarized as follows:

1. Solve a project network using the critical path method . . . while tracking require completion time for each activity and task.
2. Determine the priority rule values for each activity and task.
3. Rank the activities/tasks in order of the priority rule value.
4. Schedule the activities/tasks in priority order . . . .

(Brown, 3:15-27, emphasis added.) It is clear that Brown describes activity/task scheduling and is unrelated to scheduling of assignments or portions of a task as recited by these claims.

The Examiner also believes that "Tables 1-3 of Brown teach a listing of resource types with number of units needed to complete each activity, which is equivalent to the claimed assignments." (Office Action, Dec. 20, 2006, p. 2.) The Examiner further states that "[b]y assigning a listing of resources needed to be scheduled to perform each activity/task, each task may be divided into assignments (i.e., resources) and scheduled at a unit resource." (Id.) Even assuming, *arguendo*, that Brown describes assignments, Brown does not describe "determining when the resource of an assignment is available" and "scheduling the assignment to be performed at the determined time such that the assignments of a task are scheduled separately" as recited, for example, by claim 50. Brown neither teaches nor suggests scheduling assignments of a task separately.

Applicant respectfully requests withdrawal of the rejections since Brown only shows scheduling of activities (or tasks) and neither teaches nor suggests scheduling of assignments.

Dated: 4-19-06

Respectfully submitted,

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